

ORDINANCE NO. 1461

AN ORDINANCE TO CREATE AND ENACT ARTICLE V OF CHAPTER 25.5
OF THE JAMESTOWN CODE OF ORDINANCES
REGARDING CITY SALES AND USE TAX FOR TWO RIVERS ACTIVITY CENTER (TRAC) BOND ISSUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA:

SECTION 1. Article V of Chapter 25.5 of the Jamestown Code of Ordinances entitled “City Sales and Use Tax for Two Rivers Activity Center (TRAC) Bond Issue” is hereby created and enacted to read as follows:

Chapter 25.5
Article V – City Sales and Use Tax for Two Rivers Activity Center (TRAC) Bond Issue

Sec. 25.5-39. Definitions.

All terms defined in Chapter 40-05.1, Chapter 57-39.2, Chapter 57-39.4, Chapter 57-39.5, Chapter 57-39.6, and Chapter 57-40.2 of the North Dakota Century Code (“NDCC”), including all future amendments, are adopted by reference and incorporated herein.

Sec. 25.5-40. Collection and Administration.

Where not in conflict with the provisions of this Ordinance, the provisions of NDCC chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter “Tax Commissioner”) of the taxes imposed by this Ordinance.

Sec. 25.5-41. Sales tax imposed for Two Rivers Activity Center (TRAC) Bond Issue.

Except as otherwise provided in this chapter and subject to the provisions of NDCC 40-05.1-06, a tax of one (1) percent is imposed upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property within the corporate limits of the City of Jamestown. This sales tax is in addition to the sales tax imposed under sections 25.5-16 of this chapter.

Sec. 25.5-42. Use tax imposed for Two Rivers Activity Center (TRAC) Bond Issue.

Except as otherwise provided in this chapter and subject to the provisions of NDCC 40-05.1-06, an excise tax of one (1) percent is imposed on the storage, use, or consumption in the City of Jamestown of the following:

1. The purchase price of tangible personal property purchased at retail for storage, use, or consumption within the City.
2. The fair market value of tangible personal property which was not originally purchased for storage, use, or consumption in the City, at the time which it is brought into this City.
3. The purchase price or fair market value, whichever is greater, of tangible personal property used for a contractor or subcontractor to fulfill a contract which is subject to the state use tax under NDCC section 57-40.2-03.3. This tax applies only to bids submitted on or after the effective date of this chapter.

This excise tax is in addition to the excise tax imposed under sections 25.5-17 of this chapter.

Sec. 25.5-43. Gross Receipts of Alcoholic Beverages.

Except as otherwise provided in this chapter and subject to the provisions of NDCC 40-05.1-06, there is imposed a tax of one (1) percent upon the gross receipts of retailers from all sales at retail of alcoholic beverages; and except as otherwise provided in this chapter, a gross receipts tax at the rate of one (1) percent is imposed on a person who receives alcoholic beverages for storage, use, or consumption of those alcoholic beverages in this city.

Sec. 25.5-44. Gross Receipts of New Farm Irrigation Equipment.

Except as provided in this chapter and subject to the provisions of NDCC 40-05.1-06, there is imposed a tax of one (1) percent upon the gross receipts of retailers from all sales at retail, including the leasing or renting, of new farm irrigation equipment used exclusively for agriculture purposes as provided in this section, within the corporate limits of the city; and except as otherwise provided in this chapter, a gross receipts tax at one (1) percent is imposed on a person who receives new farm irrigation equipment for storage, use, or consumption of that equipment.

Sec. 25.5-45. Exemptions.

There are specifically exempted from the provisions of this article and from the computation of the amount of tax imposed by it the following:

1. All sales, storage, use, or consumption of tangible personal property which are exempt from imposition and computation of the sales or use tax of the State of North Dakota.
2. All sales, storage, use, or consumption of new farm machinery.

Sec. 25.5-46. Maximum tax imposed.

No single transaction by the taxpayer from any one (1) customer involving one (1) or more items is subject to a tax in excess of twenty-five dollars (\$25.00) for the taxes imposed under this article.

Sec. 25.5-47. Tax administrator.

The tax administrator shall be the city auditor. However, the city auditor is authorized to contract with the state tax commissioner to enforce this article, subject to confirmation of the contract by the city council. If the contract is made and confirmed, the tax administrator shall be the state tax commissioner so long as the contract remains in force.

Sec. 25.5-48. Dedication of tax proceeds.

All revenues raised and collected under this article, less administrative expenses, shall be dedicated to the payment of revenue bonds issued by the Jamestown Park District for the purpose of constructing a recreational center known as the Two Rivers Activity Center (TRAC) and the cost of operating and maintaining said recreational center. All revenues shall be placed in a separate sales and use tax fund for the TRAC bond issue and costs associated with operating and maintaining said recreational center.

Sec. 25.5-49. Effective date.

This article shall take effect following final passage, adoption, and publication according to law.

Sec. 25.5-50. Termination.

The tax imposed by this article shall remain in full force and effect until the revenue bonds issued by the Jamestown Park District for the purpose of constructing a recreational center known as the Two Rivers Activity Center (TRAC) have been paid in full, but in no event shall the taxes imposed by this article remain in effect beyond June 30, 2035.

ATTEST:

Jeff Fuchs
City Administrator

APPROVED:

Katie Andersen
Mayor

Introduced by Council Member Gumke
Seconded by Council Member Kourajian
First Reading: July 6, 2015
Second Reading: September 8, 2015
Final Passage: September 8, 2015
Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent